

225048

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 35110

FLORIDA DEPARTMENT OF TRANSPORTATION
-ACQUISITION EXEMPTION--
CERTAIN ASSETS OF CSX TRANSPORTATION, INC.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
TO MOTION TO DISMISS NOTICE OF EXEMPTION**

The Brotherhood of Railroad Signalmen hereby moves the Board for an extension of time to file a response to the motion of Florida Department of Transportation ("FDOT") for dismissal of its notice of exemption in connection with its plan to acquire a rail line from CSX Transportation, Inc. ("CSXT"). BRS requests that its time for filing its response be extended to and including May 22, 2009.


In support of this motion, BRS states that it makes this request because the Florida legislature did not take action that was described as a predicate for the transaction. Just last Friday, May 1, the Florida Senate rejected legislation that was identified as a condition for the FDOT-CSXT Agreement. *See attached Orlando Sentinel* article. At present it is not clear whether the transaction will go forward as described, if at all; it certainly highly unlikely that it would go forward in the time frame originally planned. BRS submits that given the current uncertainty about FDOT's plans, BRS should not have to file a response to the motion until more is known about whether FDOT will proceed with the transaction, and if so whether it will do so in the manner and time frame set forth in FDOT's filings.

Counsel for FDOT has advised counsel for BRS that BRS counsel is authorized to represent to the Board that FDOT does not oppose this motion.

For the foregoing reasons, BRS respectfully requests that this motion be granted and that its time for filing of a response to the motion to dismiss in this proceeding be extended to and including May 22, 2009.

Respectfully submitted,

/s/


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Dated: May 5, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served one copy of the foregoing, unopposed motion for extension of time by e-mail and First Class Mail, to the offices of the following:

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Chicago, Illinois 60606-2832

Florida Department of Transportation
District 5
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DeLand, FL 32720

Date: May 5, 2009

/s/ 
Richard S. Edelman

orlandosentinel.com/news/local/orl-asecsunrail02050209may02,0,4236950.story

OrlandoSentinel.com

Final vote: SunRail is dead again

By Dan Tracy

Sentinel Staff Writer

May 2, 2009

TALLAHASSEE

A last-gasp attempt to approve the SunRail commuter train failed Friday in the waning moments of the legislative session, possibly marking the end of the \$1.2 billion project that has been five years on the drawing boards.

The 16-23 vote on the Senate floor killed the project for this year, leaving its Central Florida supporters disappointed and uncertain about what they would do next.

"It's a sad day for the state of Florida. It sets passenger-rail transportation back decades," said Orlando Mayor Buddy Dyer.

Dyer said he would meet with Central Florida backers and state Department of Transportation officials next week to discuss their options.

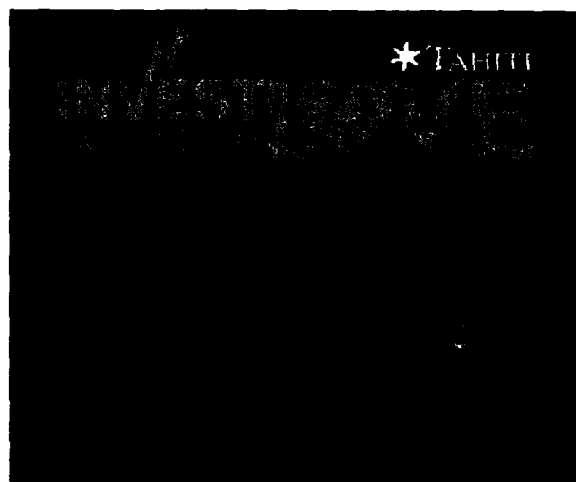
U.S. Rep. John Mica, R- Winter Park, called the vote a "disappointment" and said \$100 million in state and federal funds had already been spent on the project. He had promised more than \$300million in federal funds for SunRail.

"The loss of this project will kill nearly 13,000 jobs and will send more than one-third of a billion dollars in transportation funding to other states," Mica said in a statement. "I am going to continue to do everything possible to see that that does not happen."

But it's not clear what options remain. A spokesman for CSX Corp. said Friday that the Jacksonville railroad company — which had agreed to sell its tracks to the state for SunRail — will not extend the purchase contract.

"We do not intend to pursue the project beyond expiration of the agreement with FDOT on June 30," said CSX spokesman Gary Sease.

The final vote was not unexpected; a related SunRail amendment failed Thursday 17-23. Sen. Tony Hill, D-Jacksonville, a "no" vote Thursday, missed the Friday vote.



Tri-Rail deal not enough

Still, a trio of senators — led by sponsor Lee Constantine, R- Altamonte Springs, and augmented by Dyer and a brigade of lobbyists — worked all day to resurrect the project.

Constantine had hoped to win the 21 votes he needed by offering South Florida Democrats a \$2-a-day rental-car surcharge — the subject of the losing vote Thursday — but with a key compromise: After approval by a supermajority of county commissioners, the tax could stand at least until 2014, when it would face a voter referendum.

During five years, the surcharge would have raised \$180 million for Tri-Rail, the financially struggling commuter train that runs through Palm Beach, Broward and Miami-Dade counties. Without additional money, supporters say the rail line will have to lay off half its 300 workers.

'We're playing with fire'

Sen. Jeremy Ring, D-Margate, pleaded with his colleagues to vote for SunRail to stave off cuts to Tri-Rail.

"Here's what we can get for South Florida," he said, "\$180 million. ... We're playing with fire at the end of the day [by voting no]."

But in the end, only three South Florida Democrats voted for the bill. Ten other Democrats — including Orlando Sen. Gary Siplin and three from South Florida — voted no. Thirteen Republicans — including Sens. Evelyn Lynn of Ormond Beach and Jim King of Jacksonville, who represent parts of Central Florida — also voted against SunRail.

The opposition was led by another Central Florida Republican, Paula Dockery of Lakeland, who also managed to kill the commuter-rail project in last year's session.

"This is a bad deal," Dockery said. "It's not a bad concept. It's a bad deal."

'Look into your heart'

The debate lasted less than an hour. A hoarse, emotional Constantine closed by saying, "This is the most important issue for Central Florida and I believe the future of the rest of the state.

"Please look into your heart and vote for the future of Florida."

Friday's amendment sought approval for a \$200million no-fault insurance policy for SunRail to apportion liability in case of an accident. Constantine said it is similar to what's in effect at Tri-Rail.

But Dockery argued SunRail placed too much liability on the state in the case of an accident and was a financial windfall for CSX.

The state would have paid CSX more than \$600 million for 61.5 miles of track — running between DeLand and Poinciana — as well as improvements to other parts of the company's system.